

Nos. 12,349 and 12,352

IN THE
United States Court of Appeals
For the Ninth Circuit

TIMOTHY E. ARMSTRONG, et al.,

Appellants,

vs.

MATSON NAVIGATION COMPANY (a corporation), and UNITED STATES OF AMERICA,

Appellees.

No. 12,349

(CONSOLIDATED
CASES)

JAMES KEITH CURRIE, as Administrator of the Estate of Jack George Currie, Deceased,

Appellant,

MATSON NAVIGATION COMPANY (a corporation), and UNITED STATES OF AMERICA,

Appellees.

No. 12,352

APPELLANTS' PETITION TO MODIFY OR AMEND DECISIONS.

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*Proctor for Appellants
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To the Honorable United States Court of Appeals for the Ninth Circuit, and to the Honorable Clifton Mathews, William E. Orr, and Walter C. Lindley (sitting by special designation), Circuit Judges:

The appellants in the above entitled and consolidated causes respectfully petition for the modification or amendment of the decisions therein, as follows:

That the decision in each cause be modified or amended to provide that the cause be remanded to the District Court for the entry of a decree for each appellant determining for each the amount of war bonus to which he is entitled, with interest and costs, pursuant to the opinion of this court rendered July 18, 1950.

The decisions herein followed the decisions of the same court in the President Harrison cases (*Agnew v. American President Lines*, 9 Cir. 1949, 177 F. 2d 107; *Federer v. American President Lines*, 9 Cir. 1949, 177 F. 2d 111; *Griffin v. American President Lines*, 9 Cir. 1949, 177 F. 2d 111; Cert. den. 339 U.S. 951). In each of those cases the cause was remanded to the District Court "for the entry of a decree for each appellant determining for each the amount of war bonus to which he is entitled pursuant to the above opinion" with interest and costs. (177 F. 2d 110, 111, 113-114.) A speedy, final, and just disposition of each cause was thereby accomplished in accord with approved admiralty practice and procedure. (*Menefee v. W. R. Chamberlin Co.*, 9 Cir. 1949, 176

F. 2d 828.) The same result will be accomplished, and the precedent of the President Harrison cases followed, if the modification or amendment here sought by petitioners is granted.

Wherefore your petitioners respectfully pray that the decisions in the above entitled and consolidated causes be modified or amended in the foregoing respect and particular.

Dated, San Francisco,
August 16, 1950.

ALBERT MICHELSON,
*Proctor for Appellants
and Petitioners.*

HERBERT CHAMBERLIN,
Of Counsel.

CERTIFICATE OF PROCTOR

I hereby certify that I am proctor for appellants and petitioners in the above entitled and consolidated causes and that in my judgment the foregoing petition is well founded in point of law as well as in fact and that said petition is not interposed for delay.

Dated, San Francisco,
August 16, 1950.

ALBERT MICHELSON,
*Proctor for Appellants
and Petitioners.*

